

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-8, 10, 11 and 13-34 are pending.

### I. Rejection under 35 U.S.C. § 103

In the Office Action, at page 2, numbered paragraph 3, claims 1-8, 10, 11 and 13-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0067704 to Ton in view of Applicant's Admitted Prior Art. This rejection is respectfully traversed because the combination of Ton and Applicant's Admitted Prior Art does not suggest:

transmitting a binding update (BU) message, containing an identifier that indicates whether there is a request for slave home agent information, directly to a master home agent from a mobile node, in a mobile IPv6 environment,

as recited in independent claim 1.

First, Ton does not discuss or suggest that a binding update message is transmitted from a mobile node to a master home agent in a mobile IPv6 environment. Ton is applied to a mobile IP environment, but is not applied to a mobile IPv6 environment.

Further, the Examiner concedes that Ton does not suggest that a binding update message is transmitted directly to a master home agent from a mobile node, but alleges that doing so is well known in the art as taught by the Applicant's related art. The Examiner alleges that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ton with the general concept of sending a binding update message directly to a home agent from a mobile node as taught by AAPA in order to make the binding update procedure more efficient by cutting out the relaying foreign agent." The Applicants respectfully disagree.

M.P.E.P. § 2143.01 states that "if [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Here, Ton requires the use of the Foreign Agent FA in order to forward registration requests to a first Home Agent HA1 or a second Home Agent HA2 and in order to receive registration requests from the Mobile Node MN. Further, Ton requires the existence of the Foreign Agent FA in order to be able to establish a tunnel between the Foreign Agent FA

and, for example, the second Home Agent HA2. Thus, the invention of Ton **requires the use of a foreign agent between a mobile node and home agents.**

If the invention of Ton were modified to remove the Foreign Agent FA or to transmit the MIP Registration Requests directly to the home agents from the mobile node, then the modified invention of Ton would be rendered unsatisfactory for its intended purpose. In particular, Ton requires that a tunnel be established between, for example, the **Foreign Agent FA** and the second Home Agent HA2, after a MIP Registration Request has been transmitted between the Foreign Agent FA and the second Home Agent HA2. If the Foreign Agent FA were “cut out” in order to make the binding update procedure more efficient, Ton would not be able to establish a tunnel between the Foreign Agent FA and the second Home Agent HA2, and thus Ton would be rendered unsatisfactory for its intended purpose.

Additionally, M.P.E.P. § 2143.01 states that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Here, if the Foreign Agent FA were removed, then the principle of operation of Ton, namely, transmitting MIP Registration Requests and Replies between the Mobile Node MN and the first Home Agent HA1 or the second Home Agent HA2 would be changed. Thus, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Further, the indicator “A,” which indicates an acknowledgement is requested is not a request **specifically for slave home agent information.**

Therefore, as the combination of the teachings of Ton and the related art does not suggest “transmitting a binding update (BU) message, containing an identifier that indicates whether there is a request for slave home agent information, directly to a master home agent from a mobile node, in a mobile IPv6 environment,” as recited in independent claim 1, claim 1 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Further, Ton does not discuss or suggest “transmitting a binding acknowledgement (BACK) message, after receiving a binding update (BU) message containing an identifier that indicates whether there is a request for slave home agent information, containing slave home agent information, directly to a mobile node from a master home agent, in a mobile IPv6 environment,” as recited in independent claim 4. Therefore, claim 4 patentably distinguishes

over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Also, Ton does not discuss or suggest “the processor transmitting a binding update (BU) message in a mobile IPv6 environment from a mobile node directly to a master home agent, containing an identifier that indicates whether there is a request for slave home agent information, wherein the slave home agent information is information on a slave home agent that neighbors a master home agent that receives the BU message,” as recited in independent claim 8. Therefore, claim 8 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Additionally, Ton does not discuss or suggest “the processor transmitting a binding acknowledgement (BACK) message in a mobile IPv6 environment directly to a mobile node from a master home agent, the BACK message containing slave home agent information being transmitted after receiving a binding update (BU) message containing an identifier that indicates whether there is a request for slave home agent information,” as recited in independent claim 10. Therefore, claim 10 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Also, Ton does not discuss or suggest “a BU message transmission unit that transmits a BU message, containing an identifier that indicates whether there is a request for slave home agent information, directly to a master home agent; a binding acknowledgement (BACK) message reception unit that receives a BACK message, containing the slave home agent information, directly from the master home agent; and a slave home agent information storing unit that stores the slave home agent information contained in the BACK message, wherein if the BACK message has not been received directly from the master home agent at a predetermined moment of time, the BU message transmission unit transmits the BU message to a new master home agent using the slave home agent information stored in the slave home agent information storing unit,” as recited in independent claim 14. Therefore, claim 14 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the §102(b) rejection is respectfully requested.

Further, Ton does not discuss or suggest “a BU message reception unit that receives a BU message, containing an identifier that indicates whether there is a request for slave home agent information, directly from a mobile node; a slave home agent information transmission determination unit that determines whether to transmit the slave home agent information, requested by the mobile node, directly to the mobile node; a binding acknowledgement (BACK)

message generation unit which generates a BACK message, containing the slave home agent information, if the slave home agent information transmission determination unit determines to transmit the slave home agent information, and generates an ordinary BACK message if the slave home agent information transmission determination unit determines not to transmit the slave home agent information; and a BACK message transmission unit that transmits the BACK message created by the BACK message generation unit to the mobile node,” as recited in independent claim 15. Therefore, claim 15 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

In addition, Ton does not discuss or suggest “inserting a slave home agent address information request into a first binding update (BU) message; and transmitting the first BU message directly to a master home agent from a mobile node,” as recited in independent claim 16. Therefore, claim 16 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 2, 3, 5-7, 11, 13 and 17-24 depend either directly or indirectly from independent claims 1, 4, 8, 10 and 16 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 5 recites that “the slave home agent information comprises: an identifier that indicates whether the slave home agent information will be transmitted; a number of slave home agents; and at least one slave home agent address.” Therefore, claims 2, 3, 5-7, 9, 11-13 and 17-24 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

In the Office Action, at page 12, numbered paragraph 4, claims 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ton and Applicant’s Admitted Prior Art, and further in view of Ton. This rejection is respectfully traversed because the combination of Ton and Applicant’s Admitted Prior Art does not suggest:

In the Office Action, at page 15, numbered paragraph 14, claims 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ton as applied to claims 16 and 20-23 above, and further in view of Ton. This rejection is respectfully traversed.

As discussed above with respect to independent claim 16, Ton does not discuss or suggest “inserting a slave home agent address information request into a first binding update (BU) message and transmitting the first BU message directly to a master home agent from a mobile node”. Claims 25-27 depend either directly or indirectly from independent claim 16 and include all the features of claim 16, plus additional features that are not discussed or suggested

by the reference relied upon. For example, claim 25 recites that "the BACK message further comprises a home agent address field to indicate addresses of the candidate slave home agents, which are arranged in a predetermined order according to corresponding priority levels." Therefore, claims 25-27 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

New claims 28-34 are patentable over the cited references at least due to their dependency from the respective independent claims.

### **Conclusion**

In accordance with the foregoing, claims 1-8, 10, 11, and 16-27 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

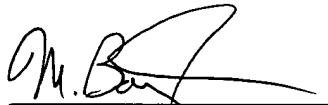
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 22, 2008

By: \_\_\_\_\_



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